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2025 MAR 12 PM 12:00

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

CR-24-05616-TUC-RM(JR)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

No.

Plaintiff,

VS.

Francisco Duray Bell, -001,
Counts 1-15,

**FIRST SUPERSEDING
INDICTMENT**

VIO: 18 U.S.C. § 933(a)(3) & (b)
(Trafficking in Firearms)
Count 1

Ismael Higuera-Avalos, -002,
Counts 1-3, 16-28

18 U.S.C. § 554(a)
(Conspiracy to Smuggle Goods from
the United States)
Count 2

Ezekqio Chavez, -003,
Counts 1-3

18 U.S.C. § 924(k)(2)(B)
(Conspiracy to Smuggle Firearms
Out of the United States)
Count 3

Carlos Martí

Carlos Martí

Carlos Martí

(Conspiracy to Smuggle Firearms
Out of the United States)
Count 3

Brian Mendez Sotelo, -005
Group 1.3

18 U.S.C. §§ 922(a)(6) and
924(a)(2)
(Material False Statement
During the Purchase of a Firearm)
Counts 4-35

Anthony Tomas Avalos, -006

18 U.S.C. §§ 924(d) and
934(a)(1)(A);
28 U.S.C. § 2461(c)
50 U.S.C. § 4819(d)(1)(B)
(Forfeiture Allegation)

Defendants.

THE GRAND JURY CHARGES:

COUNT 1

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO DURAY BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN did receive, attempt to receive, and conspire to receive from another person, in or otherwise affecting interstate or foreign commerce, firearms, knowing or having reasonable cause to believe that such receipt would constitute a felony, to wit: 18 U.S.C. § 554(a), 18 U.S.C. § 924(k)(2)(B), Ariz. Rev. Stat. § 13-3102.

All in violation of Title 18, United States Code, Section 933(a)(3) and (b).

COUNT 2

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO DURAY BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN knowingly conspired and attempted to export and send from the United States any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: firearms, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

COUNT 3

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS, and MARCUS MORIN did knowingly conspire to smuggle or take out of the United States firearms with intent to engage in or to promote conduct that constitutes a felony, to wit:

1 Title 18, United States Code, Sections 554(a) and 2, Smuggling of Goods from the United
 2 States, aiding and abetting.

3 In violation of Title 18, United States Code, Section 924(k)(2)(B).

4 **COUNTS 4-15**

5 On or about the dates listed below, in the District of Arizona, the defendant,
 6 FRANCISCO DURAY BELL, in connection with the acquisition of firearms, knowingly
 7 made false statements and representations to the businesses listed below, which were
 8 intended and likely to deceive the business as to a fact material to the lawfulness of a sale
 9 of a firearm by the business, each of which was licensed under the provisions of Chapter
 10 44 of Title 18, United States Code, with respect to information required by the provisions
 11 of Chapter 44 of Title 18, United States Code, to be kept in the records of each business
 12 listed below, in that the defendant, in connection with the purchase of each of the firearms
 13 below, stated that he was the actual transferee/buyer of the firearm, whereas in truth and
 14 fact, he was knowingly acquiring the firearm on behalf of another individual:

Count	Date	FFL	Firearms
4	06/12/2024	Glockmeister	Glock G20 G4
5	06/13/2024	Glockmeister	Glock G27 pistol
6	06/28/2024	Glockmeister	One (1) Glock G22OD pistol, and one (1) Glock G29SF pistol
7	07/11/2024	Glockmeister	One (1) Glock G29 Gen4, 9mm caliber, pistol and one (1) Glock G19 G5 10mm pistol
8	07/30/2024	S2 Armament	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
9	08/03/2024	Virtus Armament	Two (2) Pioneer Arms, model sporter, 7.62x39mm caliber rifles and one (1) Century Arms, model VSKA, 7.62x39mm caliber rifle

1	10	08/03/2024	Baseline Pawn	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
3	11	08/03/2024	Phoenix Gun Co.	Five (5) Century Arms, model VSKA, 7.62x39mm caliber rifle, serial numbers SV7151295, SV7151316 and SV7151542
6	12	08/03/2024	Phoenix Gun Co.	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifle, serial numbers SV7151586, SV7151576 and SV7151655
9	13	08/04/2024	Arizona State Armory	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles, serial numbers SV7151790, SV151898 and SV7151896
2	14	08/04/2024	Armor Bearer Arms	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
4	15	08/04/2024	Baseline Pawn	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifle

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNTS 16-28

18 On or about the dates listed below, in the District of Arizona, the defendant,
19 ISMAEL HIGUERA-AVALOS, in connection with the acquisition of firearms, knowingly
20 made false statements and representations to the businesses listed below, which were
21 intended and likely to deceive the business as to a fact material to the lawfulness of a sale
22 of a firearm by the business, each of which was licensed under the provisions of Chapter
23 44 of Title 18, United States Code, with respect to information required by the provisions
24 of Chapter 44 of Title 18, United States Code, to be kept in the records of each business
25 listed below, in that the defendant, in connection with the purchase of each of the firearms
26 below, stated that he was the actual transferee/buyer of the firearm, whereas in truth and
27 fact, he was knowingly acquiring the firearm on behalf of another individual:

Count	Date	FFL	Firearms
16	5/24/2024	Baseline Pawn	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
17	5/28/2024	Baseline Pawn	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
18	06/05/2024	S2 Armament	Pioneer Arms AK47 7.62x39mm caliber Sporter rifle
19	6/27/2024	S2 Armament	One (1) Pioneer Arms AK47 7.62x39mm caliber Sporter rifle, and one (1) Century Arms, model VSKA, 7.62x39mm caliber rifle
20	7/9/2024	S2 Armament	One (1) Century Arms, model VSKA, 7.62x39mm caliber rifle, and one (1) Pioneer Arms AK47 7.62x39mm Sporter rifle
21	7/16/2024	S2 Armament	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles
22	7/31/2024	S2 Armament	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
23	8/2/2024	Baseline Pawn	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles
24	8/3/2024	Armor bearer arms	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
25	8/3/2024	Phoenix Gun Co.	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles
26	8/4/2024	Baseline Pawn	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles

1	27	08/4/2024	Arizona State Armory	Three (3) Century Arms VSKA 7.62 caliber rifles
3	28	08/04/2024	Virtus Armament	One (1) Pioneer Arms Corp. model Hellpup 556 NATO rifle

5 In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

6 **COUNTS 29-35**

7 On or about the dates listed below, in the District of Arizona, the defendant,
8 MARCUS MORIN, in connection with the acquisition of firearms, knowingly made false
9 statements and representations to the businesses listed below, which were intended and
10 likely to deceive the business as to a fact material to the lawfulness of a sale of a firearm
11 by the business, each of which was licensed under the provisions of Chapter 44 of Title 18,
12 United States Code, with respect to information required by the provisions of Chapter 44
13 of Title 18, United States Code, to be kept in the records of each business listed below, in
14 that the defendant, in connection with the purchase of each of the firearms below, stated
15 that he was the actual transferee/buyer of the firearm, whereas in truth and fact, he was
16 knowingly acquiring the firearm on behalf of another individual:

18	29	10/2/24	Harris Brothers Tactical	Three (3) Century Arms VSKA 7.62x39 rifles
19	30	9/3/24	Glockmeister	Two (2) Century BFT Core Rifles 7.62x39mm
20	31	10/8/24	Glockmeister	Two (2) Century Arms VSKA 7.62x39mm rifles
21	32	9/3/24	Litchfield Arsenal	One (1) Century

			Arms VSKA 7.62x39mm rifle
33	10/1/24	Ammo AZ	One (1) Century Arms Micro Draco 7.62x39mm pistol and two (2) Century Arms VSKA 7.62x39mm rifles
34	10/8/24	Ammo AZ	Two (2) Pioneer Arms USA Sporter 7.62x39mm rifles and one (1) Pioneer Arms Hellpup 7.62x39mm rifle
35	10/10/24	Ammo AZ	Three (3) Pioneer Arms USA Sporter 7.62x39mm rifles

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

FORFEITURE ALLEGATION

Upon conviction of Counts One through Thirty-Five of the Indictment, the defendants, FRANCISCO BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

1	Firearms	Serial Number(s)
2	Sixteen (16) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7151898, SV7148245, SV7147825, SV7148641, SV7151790, SV7148316, SV7152101, SV7151569, SV7152169, SV7152048, SV7148492, SV7151292, SV7147886, SV7150199, SV7150572, SV7151896
10	Pioneer Arms, model HellPup, 5.56 caliber rifle	PAC24PL17852
11	Six (6) Century Arms, 7.62x39mm caliber rifles	SV7144230, SV7159402, SV7157736, SV7157964, BFT47021421, BFT47021450
14	Glock G20 G4	BYNL146
15	Glock G27 pistol	BZCV693
16	Glock G22OD pistol	BYWE506
17	Glock G29SF pistol	BZCX286
18	Glock G29 Gen4, 9mm caliber, pistol	BZSK881
19	Glock G19 G5 10mm pistol	CDDD451
20	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7149851, SV7149931
22	Two (2) Pioneer Arms, model sporter, 7.62x39mm caliber rifles	PAC24PL22852, PAC24PL23112
24	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV151659, SV7151537
26	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148367, SV7148396

1	Five (5) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7151295, SV7151316, SV7151542, SV7151539, SV7151671
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4	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7151586, SV7151576, SV7151655
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6	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148119, SV7147971
7		
8	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148450, SV7147781
9		
10	Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20880
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12	Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20805
13		
14	Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7150084
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16	Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7149702
17		
18	Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20952
19		
20	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7150062, SV7149913, SV7150058
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22	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7151926, SV7150456
23		
24	Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7149114, SV7149312, SV7149293
25		
26	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7150390, SV7150512
27		
28		

1	Three (3) Century Arms VSKA 7.62x39 caliber rifles	SV7152665, SV7152594, SV7152660
2	Two (2) Century BFT Core 7.62x39mm caliber rifles	BFT47022587, BFT47021327
3	Two (2) Century Arms VSKA 7.62x39mm caliber rifles	SV7154706, SV7152937
4	Century Arms VSKA 7.62x39mm caliber rifle	SV7150640
5	Century Arms Micro Draco 7.62x39mm caliber pistol	24PMD-53438
6	Two (2) Century Arms VSKA 7.62x39mm caliber rifles	SV7153582, SV7153484
7	Two (2) Pioneer Arms USA Sporter 7.62x39mm caliber rifles	PAC23PL16225, PAC24PL21805
8	Pioneer Arms Hellpup 7.62x39mm caliber rifle	PAC24PL24951
9	Three (3) Pioneer Arms USA Sporter 7.62x39mm caliber rifles	PAC23PL16347, PAC23PL16195, PAC23PL16291
10	Eight (8) Pioneer Arms 7.62x39mm caliber Sporter rifles	PAC24PL22984, PAC23PL16206, PAC24PL22992, PAC23PL16162, PAC24PL22986, PAC24PL25461, PAC23PL16213, PAC24PL22953
11	Two (2) Pioneer Arms 7.62x39mm caliber GROM rifles	PAC24PL25060, PAC24PL22096
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1	Six (6) DPMS Panther Arms 7.62x39mm	AVS4702544, AVS4702571,
2	caliber Anvil AK47 rifles	AVS4702548, AVS4702555,
3		AVS4703147, AVS4702567
4	Five (5) Century Arms 7.62x39mm caliber	BFT47023404, BFT47022652,
5	BFTE47 rifles	BFT47011807, BFT47022776,
6		BFT47022119
7	Twenty-Eight (28) Century Arms 7.62x39mm	SV7089691, SV7101068,
8	caliber VSKA rifles	SV7101085, SV7152713,
9		SV7152540, SV7154798,
10		SV7152506, SV7152924,
11		SV7152433, SV7152432,
12		SV7153571, SV7154794,
13		SV7154808, SV7100927,
14		SV7152974, SV7153252,
15		SV7152711, SV7152487,
16		SV7145341, SV7100647,
17		SV7152503, SV7152504,
18		SV7145423, SV7154857,
19		SV7153205, SV7152297,
20		SV7152532, SV7152587

Upon conviction of Counts One through Two of the Indictment, the defendants, EZEKQIO CHAVEZ and BRIAN MENDEZ SOTELO, shall forfeit to the United States: (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of the offense, pursuant to Title 18, United States Code, Section 934(a)(1)(A); and (2) any property constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the violation, pursuant to Title 50, United States Code, Section 4819(d)(1)(B), including, but not limited to: \$12,192 in United States *United States of America v. Francisco Duray Bell, et al.*
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1 currency and \$4,185 in United States currency.

2 If any of the property described above, as a result of any act or omission of the
3 defendants: a) cannot be located upon the exercise of due diligence; b) has been transferred
4 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
5 the court; d) has been substantially diminished in value; or e) has been commingled with
6 other property which cannot be divided without difficulty, it is the intent of the United
7 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
8 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said
9 defendants up to the value of the above forfeitable property, including, but not limited to,
10 all property, both real and personal, owned by the defendants.

11 All pursuant to Title 18, United States Code, Sections 924(d) and 934(a)(1)(A), Title
12 28, United States Code, Section 2461(c), Title 50, United States Code, Section
13 4819(d)(1)(B), and Rule 32.2(a), Federal Rules of Criminal Procedure.

14 A TRUE BILL
15

16
17 FOREPERSON OF THE GRAND JURY
Date: August 28, 2024
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19

20 TIMOTHY COURCHAINE
21 United States Attorney
District of Arizona
22

23 JULIE A. SOTTOSANTI
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